

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

claims 168, 174-225, 253-254, 256-257, and 270-306 under obviousness-type double patenting as being unpatentable over claims 168-221 and 224-263 of co-pending Application Serial No. 09/769,149 (hereinafter referred to as "the '149 application").

Also, the Examiner rejected claims 168-174, 177, 179-180, 182-187, 189, 191-201, 204, 205, 215, 218-223, 225-230, 270-271, 273-275, 277-280, 284-290, 292, 295, 297, 299, and 301-306 under 35 U.S.C. 103(a) as being unpatentable over Brick et al. U.S. Patent No. 6,269,342 (hereinafter referred to as "Brick") in view of Meade et al. U.S. Patent No. 5,021,984 (hereinafter referred to as "Meade"). Similarly, the Examiner rejected claims 175-176, 178, 181, 203, 206, 208-209, 211, 213-214, 216-217, 224, 253-254, 256-257, 272, 276, 281-282, 293-294, 296, and 298 under 35 U.S.C. 103(a) as being unpatentable over Brick as modified by Meade and further in view of Rhoads U.S. Patent No. 6,311,214 (hereinafter referred to as "Rhoads"). The Examiner also rejected claims 188, 190, 197, 207, 210, 212, 283, 291, and 300 under 35 U.S.C. 103(a) as being unpatentable over Brick as modified by Meade and further in view of Reber et al. U.S. Patent No. 5,995,105 (hereinafter referred to as "Reber"). Finally, the Examiner rejected claims 231-269 under 35 U.S.C. 103(a) as being unpatentable over Brick as modified by Meade and further in view of DeLorme et al. U.S.

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent No. 5,948,040 (hereinafter referred to as "DeLorme").

Applicant has amended claim 168 to add "material" and "machine recognizable" which were inadvertently omitted from the originally submitted claim 168. Additionally, in response to Examiner's objections to claims 188 and 190, Applicant has amended the claims to eliminate the informalities. Applicant respectfully submits that the claims are now in proper form.

In response to the Examiner's provisional obviousness-type double patenting rejection, Applicant has amended the specification to properly cross reference related applications and to claim the benefit of the May 25, 1994 filing date of Application Serial No. 08/250,799 (hereinafter referred to as "the '799 application"). Consequently, this application and the co-pending '149 application both have an effective filing date of May 25, 1994. Since any patents issued from either application will automatically end on the same date, Applicant respectfully submits that a terminal disclaimer is not required.

Additionally, Applicant thanks the Examiner for granting a September 9, 2002 telephone interview with the Applicant. As agreed, Applicant has amended the specification to properly cross reference related applications and to claim the May 25, 1994 filing date of the '799 application. An effective filing date of

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

May 25, 1994 predates the filing date of Brick, Rhoads, Reber, and DeLorme (relied upon by the Examiner for the 35 U.S.C. 103(a) rejections) as well as Sehr U.S. Patent No. 6,085,976 (listed by the Examiner in the Notice of References Cited). Consequently, the aforementioned references are not proper references against this application.

Regarding the six remaining references, half of the remaining references (i.e., Greenberg U.S. Patent No. 4,711,994; Bravman et al. U.S. Patent No. 5,401,944; and Withnall et al. U.S. Patent No. 4,488,035) relate to traditional bar code systems -- not the present invention, wherein a machine recognizable feature contained within a printed matter is utilized to access programming material. In fact, none of the references disclose any method for accessing programming material. Additionally, pending claims 168-199, 203-284, 301-302, and 304-305 do not claim use of a bar code system or bar code system components.

Similarly, the other half of the remaining references (i.e., Baitz et al. U.S. Patent No. 5,412,191; Meade et al. U.S. Patent No. 5,021,984; and Wahlberg U.S. Patent No. 3,705,384) relate to dispensing items such as tickets, coupons, or receipts from some medium other than printed matter (i.e., a computer, cashier terminal, or ticket dispensing machine) -- not the present

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

invention, wherein a machine recognizable feature contained within a printed matter is utilized to access programming material. Consequently, Applicant submits that the present invention is distinguished over the remaining six references.

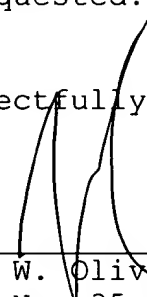
In light of the foregoing amendments and remarks, Applicant submits that claims 168-306 are in condition for allowance.

**CONCLUSION**

In view of the foregoing, Applicant respectfully submits that the present invention represents a patentable contribution to the art and the application is in condition for allowance. Early and favorable action is accordingly requested.

Respectfully submitted,

Date: September 20, 2002

  
\_\_\_\_\_  
John W. Olivo, Jr.  
Reg. No. 35,634  
WARD & OLIVO  
382 Springfield Avenue  
Summit, New Jersey 07901  
(908) 277-3333